

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
FREEMAN, : Docket #22cv2435
: 1-22-cv-02435-LLS-SN
Plaintiff, :
- against - :
DEEBS-ELKENANEY, et al., : New York, New York
: July 20, 2022
Defendants. :
----- : Telephone Conference

PROCEEDINGS BEFORE
THE HONORABLE SARAH NETBURN,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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Transcript produced by transcription service.

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E X A M I N A T I O N S

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-Direct</u>	<u>Re-Cross</u>	<u>Court</u>
None					

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
None				
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MR. LANCE KOONCE: Your Honor, this is Lance Koonce with Klaris Law for Emily Sylvan Kim and Prospect Agency, LLC, and I believe our associate Zach Press is on the line as well.

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THE COURT: Great. Before we begin, I just wanted to mention that I know Ed Klaris who is the namesake of Klaris Law. I obviously have not spoken to him about this case, I just noticed that when I was preparing for today's conference and I certainly would not speak to him, and I don't know when the next time is that I would actually even see him. But I did want to mention that, if anyone thought that that created the appearance of impropriety I'm happy to have the case reassigned to another judge. I personally don't think it does but I'm happy, I want everyone know that and if (indiscernible) more comfortable I'm happy to have the case reassigned. Maybe I'll ask Mr. Passin who might be the most interested?

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MR. PASSIN: I have no problem, but I would like to run it by my client, but I assume she'd have no problem. For today it's fine, Your Honor, but I don't expect it to be a problem.

THE COURT: Okay, I'm intending to rule on the issue before us today, would you rather that I wait

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2 until you --

3 MR. PASSIN: No, no, that's fine, like I said,
4 I don't expect it to be a problem but I do want to
5 mention it to my client. So you can, we waive any
6 rights, you can definitely rule today, that's fine.

7 THE COURT: Okay, anybody else?

8 MR. KOONCE: Your Honor, this is Lance Koonce
9 again though with Klaris Law Firm, and I should also
10 mention that we are, I have a different case in which
11 we have conflict counsel in the case with Mr. Cuti's,
12 John Cuti's firm. I don't think that also creates a
13 conflict, I just wanted to put that on the record,
14 too.

15 THE COURT: Sure, John Cuti, for those not in
16 the know, is my husband, so I have no idea what that
17 matter is and I'm unaware of the case and certainly
18 won't ask my husband about it. But I didn't even know
19 about that issue so I'll now poll everybody again, now
20 knowing that second potential issue which, as I
21 understand it, is that, I was going to say whether my
22 husband was serving as conflict counsel or Klaris Law
23 was serving as conflict counsel on his matter, but it
24 sounds like there is some relationship between the
25 firm and my husband's law firm. Mr. Passin, again --

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2 MR. PASSIN: Again, I waive it for today, I
3 don't have any problem, I don't think it will be a
4 problem with my client, but I do feel she's a lawyer
5 and I just want to mention it to her.

6 THE COURT: Fair enough, anybody else with to
7 be heard on that issue?

8 MS. WOLFF: No, Your Honor, we don't have any
9 issues.

10 THE COURT: Okay.

11 MR. PLOURDE: No, Your Honor.

12 THE COURT: All right, thank you. So with that
13 housekeeping matter resolved, I want to talk about
14 this issue. I have the July 12th letter raising the
15 concerns about the protective order. I understand that
16 all of the defendants now believe that an attorneys' eyes
17 only provision is necessary and, if so, that that provision
18 should permit in-house counsel for the corporate defendants
19 to review AEO material but that the plaintiff,
20 notwithstanding her JD, notwithstanding the fact that she's
21 a lawyer, would not be able to serve reciprocal relief,
22 meaning she would not be entitled to review those attorneys'
23 eyes only documents.

24 So before we talk about sort of parity, I'd like
25 to hear from the defendants why they believe this type of

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C E R T I F I C A T E

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4 I, Carole Ludwig, certify that the foregoing
5 transcript of proceedings in the United States District
6 Court, Southern District of New York, Freeman versus Deebs-
7 Elkenaney, et al., Docket #22cv2435, was prepared using PC-
8 based transcription software and is a true and accurate
9 record of the proceedings.

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Signature Carole Ludwig

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Carole Ludwig

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Date: January 17, 2023

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